

09-27-02

CPA 1/627/17

PTO/SB/29 (10/00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# **CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
☒ **DUPLICATE**

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

|  |                      |
|--|----------------------|
| Attorney Docket No. of Prior Application | 514413-3563          |
| First Named Inventor                     | Haaf et al.          |
| Examiner Name                            | Thomas W. Prasthofer |
| Group/Art Unit                           | 1627                 |
| Express Mail Label No.                   | EV073688824US        |

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TECHNICAL  
10-10-02

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. 1.53(d), (continued prosecution application (CPA)) of prior application number 09/167,351 filed on October 7, 1998, entitled **COMBINATORIAL PREPARATIONS OF PHOSPHORUS-CONTAINING ACTIVE COMPOUNDS AND INTERMEDIATES BY SOLID PHASE SYNTHESIS**

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P- NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 C.F.R. 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53(d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

09/30/2002 NBERHE 00000094 09167351

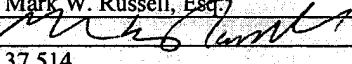
01 FC:131  
02 FC:118740.00 OP  
1440.00 OP

| CLAIMS | (1) FOR   | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE                        | (5) CALCULATIONS |
|--------|---|------------------|------------------|---------------------------------|------------------|
|        | TOTAL CLAIMS<br>(37 CFR. 1.16(c) or (i))                        | 9 - 20* =        | 0                | x \$ 18 =                       | \$ 0.00          |
|        | INDEPENDENT CLAIMS<br>(37 CFR. 1.16(b) or (i))                  | 2 - 3** =        |                  | x \$ 84 =                       | 0.00             |
|        | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))      |                  |                  | + \$ =                          |                  |
|        |   |                  |                  | BASIC FEE<br>(37 C.F.R. § 1.16) | 740.00           |
|        | Total of above Calculations =                                   |                  |                  |                                 | \$               |
|        | Reduction by 50% for filing by small entity (Note 37 CFR 1.27). |                  |                  |                                 |                  |
|        | * Reissue claims in excess of 20 and over original patent.      |                  |                  |                                 | 740.00           |
|        | ** Reissue independent claims over original patent              |                  |                  |                                 | TOTAL = \$       |

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27)
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. **50-0320**
- a. ☒ Fees required under 37 C.F.R. 1.16.
- b. ☒ Fees required under 37 C.F.R. 1.17.
- c. ☐ Fees required under 37 C.F.R. 1.18.
8. ☒ A check in the amount of **\$1,440.00** is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503).
13. ☒ Other: Pursuant to 37 C.F.R. 1.136(a), Applicants petition the Assistant Commissioner to extend the time period for response by four months; i.e., up to and including September 25, 2002. Enclosed is a check for **\$1,440.00** to cover the cost of the extension of time.

**NOTE:** The prior application's correspondence address will carry over to this CPA **UNLESS** a new correspondence address is provided below.

| 14. NEW CORRESPONDENCE ADDRESS                             |  |   |                |  |                |
|--|--|---|----------------|--|----------------|
| <input type="checkbox"/> Customer Number or Bar Code Label |  | (Insert Customer No. or Attach bar code label here) |                | or <input type="checkbox"/> New correspondence address below |                |
| Name   | William F. Lawrence, Esq.<br>FROMMER LAWRENCE & HAUG LLP |   |                |  |                |
| Address  | 745 Fifth Avenue   |   |                |  |                |
| City   | New York   | State   | NY             | Zip Code   | 10151          |
| Country  | U.S.   | Telephone   | (212) 588-0800 | Fax  | (212) 588-0500 |

| 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED |   |
|---|---|
| Name (Print/Type)                                       | Mark W. Russell, Esq.   |
| Signature   |  |
| Registration No. (Attorney/Agent)                       | 37,514  |
| Date  | September 25, 2002  |



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# FREE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)**2,180.00**

## Complete if Known

|                      |                                      |
|----------------------|--------------------------------------|
| Application Number   | CPA of US Appln. Ser. No. 09/167,351 |
| Filing Date          | Not Yet Known                        |
| First Named Inventor | Haaf et al.                          |
| Examiner Name        | Thomas W. Prasthofer                 |
| Group/Art Unit       | 1627                                 |
| Attorney Docket No.  | 514413-3563                          |

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## METHOD OF PAYMENT

1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Name

Frommer Lawrence & Haug LLP

Deposit  
Account  
Number

50-0320

☒ Charge any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

☐ Charge the Issue Fee Set in 37 CFR  
1.18 at the Mailing of the Notice of  
Allowance

2. ☒ Payment Enclosed

☒ Check

☐ Money Order

☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description        | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|----------|
| 101                  | 740                   | 201                  | 370                   | Utility filing fee     | 740.00   |
| 106                  | 330                   | 206                  | 165                   | Design filing fee      |          |
| 107                  | 510                   | 207                  | 255                   | Plant filing fee       |          |
| 108                  | 740                   | 208                  | 370                   | Reissue filing fee     |          |
| 114                  | 160                   | 214                  | 80                    | Provisional filing fee |          |
| SUBTOTAL (1)         |                       |                      |                       |                        | 740.00   |

### 2. EXTRA CLAIM FEES

| Total<br>Claims    | Extra Claim | Fee from<br>below | Fee Paid |
|--------------------|-------------|-------------------|----------|
| 9                  | -20** = 0   | 18                | 0.00     |
| Ind.<br>Claims     | -3** = 0    | 0                 | 0.00     |
| Multiple Dependent | 2           |                   |          |

\*\* or number previously paid, if greater; for reissues, see below

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description  |
|----------------------|-----------------------|----------------------|-----------------------|--|
| 103                  | 18                    | 203                  | 9                     | Claims in excess of 20                                     |
| 102                  | 84                    | 202                  | 42                    | Independent claims in excess of 3                          |
| 104                  | 280                   | 204                  | 140                   | Multiple dependent claim, if not paid                      |
| 109                  | 84                    | 209                  | 42                    | ** Reissue independent claims over original patent         |
| 110                  | 18                    | 210                  | 9                     | ** Reissue claims in excess of 20 and over original patent |
| 107                  | 510                   | 207                  | 255                   | Plant filing fee   |
| SUBTOTAL (2)         |                       |                      |                       | (\$) <b>0.00</b>   |


## FEE CALCULATION

### 3. ADDITIONAL FEES

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description  | Fee Paid             |
|----------------------|-----------------------|----------------------|-----------------------|--|----------------------|
| 105                  | 130                   | 205                  | 65                    | Surcharge - late filing fee or oath  |                      |
| 127                  | 50                    | 227                  | 25                    | Surcharge - late provisional filing fee or Cover sheet                     |                      |
| 139                  | 130                   | 139                  | 130                   | Non-English specification  |                      |
| 147                  | 2,520                 | 147                  | 2,520                 | For filing a request of reexamination                                      |                      |
| 112                  | 920*                  | 112                  | 920*                  | Requesting publication of SIR prior to Examiner action                     |                      |
| 113                  | 1,840*                | 113                  | 1,840*                | Requesting publication of SIR after Examiner action                        |                      |
| 115                  | 110                   | 215                  | 55                    | Extension for reply within first month                                     |                      |
| 116                  | 400                   | 216                  | 200                   | Extension for reply within second month                                    |                      |
| 117                  | 920                   | 217                  | 460                   | Extension for reply within third month                                     |                      |
| 118                  | 1,440                 | 218                  | 720                   | Extension for reply within fourth month                                    | 1,440.00             |
| 128                  | 1,960                 | 228                  | 980                   | Extension for reply within fifth month                                     |                      |
| 119                  | 320                   | 219                  | 160                   | Notice of Appeal   |                      |
| 120                  | 320                   | 220                  | 160                   | Filing a brief in support of an appeal                                     |                      |
| 121                  | 280                   | 221                  | 140                   | Request for oral hearing   |                      |
| 138                  | 1,510                 | 138                  | 1,510                 | Petition to institute a public use Proceeding                              |                      |
| 140                  | 110                   | 240                  | 55                    | Petition to revive - unavoidable   |                      |
| 141                  | 1,280                 | 241                  | 640                   | Petition to revive- unintentional  |                      |
| 142                  | 1,280                 | 242                  | 640                   | Utility issue fee (or reissue)   |                      |
| 143                  | 460                   | 243                  | 230                   | Design issue fee   |                      |
| 144                  | 620                   | 244                  | 310                   | Plant issue fee  |                      |
| 122                  | 130                   | 122                  | 130                   | Petitions to the Commissioner  |                      |
| 123                  | 50                    | 123                  | 50                    | Petitions related to provisional Applications                              |                      |
| 126                  | 180                   | 126                  | 180                   | Submission of Information Disclosure Statement                             |                      |
| 581                  | 40                    | 581                  | 40                    | Recording each patent assignment per property (times number of properties) |                      |
| 146                  | 740                   | 246                  | 370                   | Filing a submission after final rejection (37 CFR 1.129(a))                |                      |
| 149                  | 740                   | 249                  | 370                   | For each additional invention to be examined (37 CFR 1.129(b))             |                      |
| Other fee (specify)  |                       |                      |                       |  |                      |
| Other fee (specify)  |                       |                      |                       |  |                      |
| SUBTOTAL (3)         |                       |                      |                       |  | (\$) <b>1,440.00</b> |

\* Reduced by Basic Filing Fee

## SUBMITTED BY

|                       |   |      |                       |                 |                  |
|-----------------------|---|------|-----------------------|-----------------|------------------|
| Typed or Printed Name | Mark W. Russell, Esq.<br>Samuel H. Megerditchian, Esq.                              |      |                       | Reg. Number     | 37,514<br>45,678 |
| Signature             |  | Date | September 25,<br>2002 | Deposit Account | 50-0320          |

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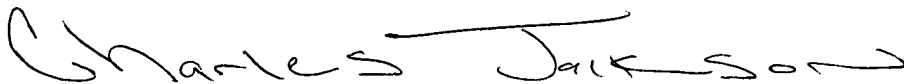
**CERTIFICATE OF MAILING – SEPARATE PAPER**

Attorney Docket No. : 514413-3563  
Serial No. : Continued Prosecution Application (CPA)  
of *US Appln. Ser. No. 09/167,351*  
Applicant(s) Haaf et al.

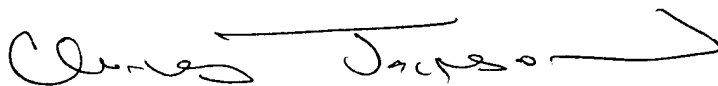
Date of Deposit September 25, 2002 via "Express Mail" # EV073688824US

I hereby certify that a Continued Prosecution Application (CPA), a Fee Transmittal Sheet, a Petition and related documents for the above-referenced application are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Assistant Commissioner of Patents  
Attention: Box CPA  
Washington, D.C. 20231



(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)